

Appl. No. 10/602,649
Amdt. dated September 1, 2005
Reply to Office Action of July 6, 2005
Attorney Docket 17312

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Official Action mailed July 6, 2005. Claims 1-18 are currently pending for examination. No amendments to the claims have been made in this amendment.

Rejection of Claims 1-18 under 35 U.S.C. 103(a):

Claims 1-18 presently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Martenas et al. (US 5,199,522 A) and in further view of Adamson et al. (US 4,341,277 A).

The office action provides:

"With respect to claims 1, 7, and 13, Martenas et al. discloses an engine hood 3 for a tractor work vehicle 1 with a radiator 11 and engine 13, said hood comprising an outer shell including a top panel 21, with an inner engine facing surface, a vertical front panel (not numbered), vertical left and right side panels 22 with combustion (or cooling) air apertures 29 behind said radiator, and an inner panel 23, as shown in figures 1-4. Martenas et al. does not explicitly disclose additional combustion (or cooling) apertures in the front and/or top panels. Adamson et al. does disclose a tractor hood assembly comprising a top panel 13 with an air combustion aperture 16, 17, 18, as shown in figures 1-5. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the top and/or front panels of Martenas et al. with the additional air combustion apertures of Adamson et al. in order to increase the amount of drawn in air for combustion and cooling, as is conventional in the art."

Applicant respectfully submits that to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. Initially, it is respectfully submitted that neither Martenas nor Adamson teach or suggest all of the claimed limitations. At minimum, neither of the cited references teaches or suggests a "hood comprising: an outer shell, including..... a vertical front panel coupled to the top panel and configured to extend vertically in front of the radiator and the engine, said front panel defining a cooling air aperture therein," as presently claimed in Claim 1.

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Instead, both cited references specifically teach hood assemblies having only top and side panels. Martenas teaches an engine compartment cover comprising two pivotally mounted hinge panels that only cover the top and sides of the engine compartment (clearly shown in Figs 2 & 3). The forward part of the engine compartment is formed by a fuel tank 9 (shown in Fig. 1) rigidly attached to the main structure of the vehicle. Similarly, Adamson teaches a "perforated hood" which clearly only has a top and side panels (shown in Figs 2-4). The forward part of the engine compartment taught by Adamson is formed by a heat exchanger rigidly attached to the vehicle's main structure. Clearly, neither cited reference teaches a hood having "a vertical front panel coupled to the top panel and configured to extend vertically in front of the radiator and the engine." More particularly, neither reference teaches or suggests such a hood having a front panel wherein "said front panel defining a cooling air aperture therein" as presently claimed in Claim 1.

Additionally, the hood presently described in Claim 1 comprising top, sides, and front structure offers several advantages over the cited prior art references when both are viewed either individually or in combination. The cited prior art references both teach engine compartments delineated by forward components rigidly affixed to the structure of the vehicle. These rigidly fixed components greatly inhibit access to forward portions of the engine compartment. Conversely, the present invention allows for greater accessibility to the forward portions of the engine compartment by providing a hood structure having a front panel that is removed with the hood and not rigidly affixed to the vehicle structure. Another benefit the present invention has over the cited prior art is that the front panel portion of the hood serves as a screen/protective guard for the radiator of the vehicle which can be more easily cleaned and is also easier and less costly to remove and replace in case of damage than the unprotected radiator taught by Adamson. Finally, the front structure of the hood provides a structure that can be easily modified to improve or change the appearance of the vehicle between different models or can be kept consistent between different models which may require different engine/cooling components that are fully concealed by the hood structure as described by the present invention having a top, sides, AND a front structure.

For at least these reasons, Claim 1 is allowable over the applied art. Likewise, independent Claims 7 and 13 which have been rejected should be allowed over the applied art for the same reasons as Claim 1. Additionally, Claims 2-6 which depend from Claim 1,

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Claims 8-12 which depend from Claim 7, and Claims 14-18 which depend from Claim 13, should be allowed over the applied art for the reasons given above for independent Claims 1, 7, and 13. Withdrawal of the rejection is respectfully requested.

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,



Stephen A. Bucchianeri
Attorney for Applicant(s)
Reg. No. 54,928
Date: September 6, 2005

(717) 355-4954 Phone
(717) 355-3107 Fax